

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OYSTER OPTICS, LLC,

Plaintiff,

v.

CIENA CORPORATION,

Defendant.

Case No. [17-cv-05920-JSW](#)

**ORDER DENYING AS MOOT
PORTIONS OF MOTIONS FOR
SUMMARY JUDGMENT AND
DAUBERT MOTIONS**

Re: Dkt. Nos. 177-4 (178), 177-8 (180),
181, 184-3 (183), 186-2 (185)¹

Plaintiff Oyster Optics LLC (“Oyster”) and Defendant Ciena Corporation (“Ciena”) have filed motions for summary judgment that raise a variety of issues. They also filed motions to strike expert testimony pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow, Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). This Order will be the first in a series of orders addressing those motions.

After the parties filed the motions, Oyster withdrew claims based on U.S. Patent No. 8,913,898 (the “’898 Patent”). Accordingly, the Court DENIES AS MOOT the portions of motions for summary judgment and the portions of the *Daubert* motions that address the ’898 Patent.

In addition, Ciena withdrew its affirmative defenses based on prosecution history estoppel, laches, acquiescence, and equitable estoppel. Accordingly, the Court DENIES AS MOOT the portions of Oyster’s motion for summary judgment on those issues.

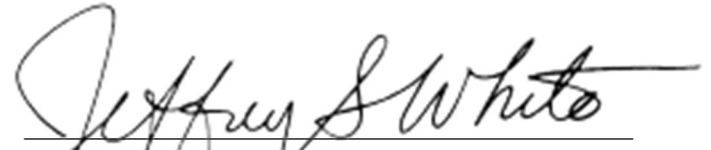
Finally, the parties resolved most of the issues raised by Oyster’s motion to strike the opinions of Ciena’s expert, Dr. George Papen. Accordingly, Court DENIES, IN PART, AS

¹ The docket numbers in parentheses are redacted versions of motions filed under seal.

MOOT Oyster's motion to strike and will address the motion to strike Dr. Papen's testimony regarding lack of enablement in a separate Order.

IT IS SO ORDERED.

Dated: October 19, 2023



JEFFREY S. WHITE
United States District Judge

United States District Court
Northern District of California